IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD., Plaintiff,)) C.A. No. 21-1015 (GBW)
V.) DEMAND FOR JURY TRIAL
SAREPTA THERAPEUTICS, INC., Defendant.)
SAREPTA THERAPEUTICS, INC. and THE UNIVERSITY OF WESTERN AUSTRALIA, Defendant/Counter-Plaintiffs,	
v.	
NIPPON SHINYAKU CO., LTD. and NS PHARMA, INC., Plaintiff/Counter-Defendants.)))

NS'S CONCISE STATEMENT OF FACTS IN SUPPORT OF ITS OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT NO. 2 REGARDING LOST PROFITS

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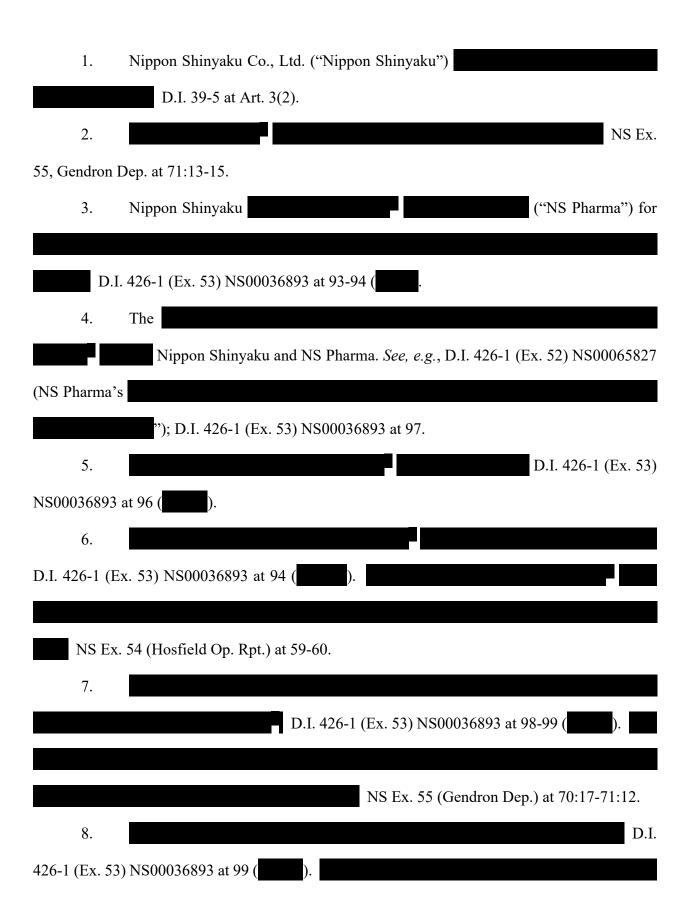
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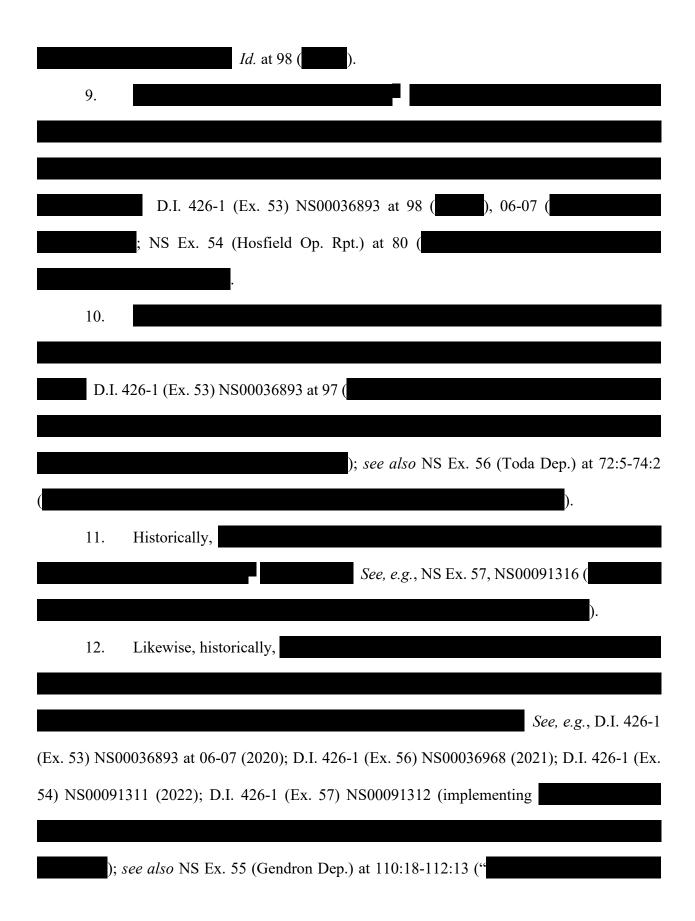
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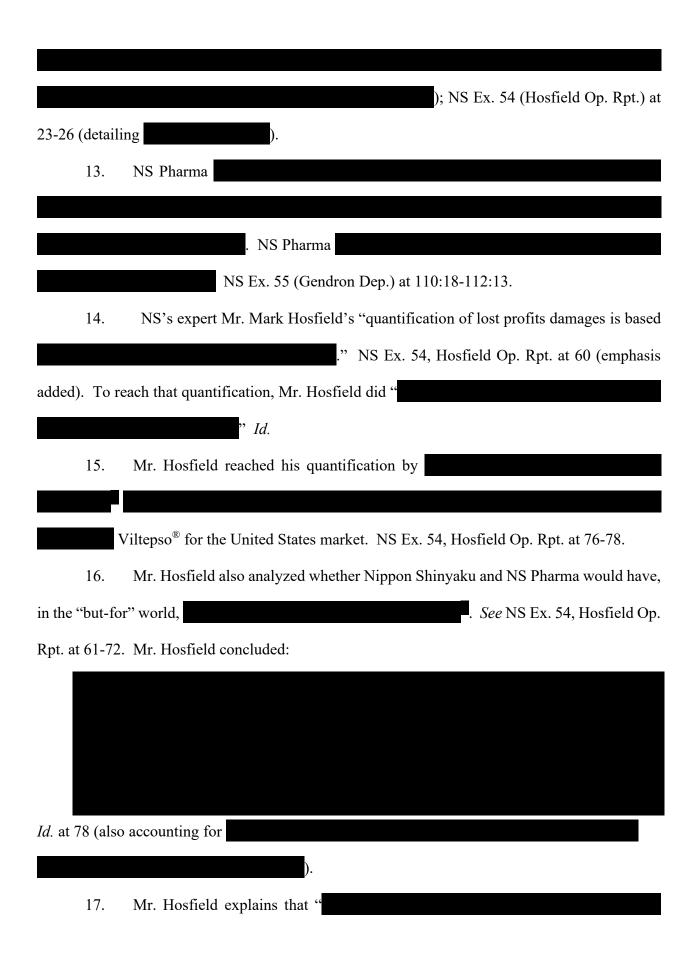
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Dated: January 12, 2024







	"NS Ex. 54, Hosfield
Op. Rpt.	at 79 ("
	"); see also supra NS Counter-Facts 2-3, 5-8.
18	Mr. Hosfield concluded that, in the but-for world, Nippon Shinyaku
	NS Ex.
54, Hosfie	eld Op. Rpt. at 80-81; see also NS Ex. 55 (Gendron Dep.) at 111:16-112:4 ("
	").
19	. Sarepta/UWA expert Mr. John Jarosz merely summarizes case law addressing the
"inexorab	le flow" doctrine. D.I. 427 (Ex. 10) Jarosz Reb. Rpt. ¶¶ 169-174. Mr. Jarosz provides a
competing	g lost profits estimate and does not dispute that,
	See id. ¶¶ 169-75.
20	. Mr. Jarosz does not critique Mr. Hosfield's lost profits opinions based
	See generally D.I. 427 (Ex. 10) Jarosz Reb. Rpt. ¶¶ 107-175. His
rebuttal re	only once. <i>Id.</i> ¶ 213.
21	
	$Id. \ \P \ 3.$

Dated: January 12, 2024

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Amy Dudash, certify that on January 12, 2024, I caused a copy of the foregoing document which was filed under seal, to be served via electronic mail on the following counsel of record:

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